

MONDAY, MARCH 21, 1983

SEVENTEENTH LEGISLATIVE DAY

The House met at 6:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Representative Herman Wolfe of Hardin County.

Representative Wolfe led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 95

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--95.

The Speaker announced that Representative Cobb was excused because of family business.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 19, 36, 98, 278 and 744; House Resolution No. 18; and House Joint Resolutions Nos. 103 and 106; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 19, 36, 98, 278 and 744; House Resolution No. 18; and House Joint Resolutions Nos. 103 and 106.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 1217 and 1218 with his approval.

WILLIAM C. KOCH, JR.,
Counsel to the Governor.

Mr. Naifeh moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 109 out of order, which motion prevailed.

House Joint Resolution No. 109--Relative to joint convention, election of state election commission.

Mr. Naifeh moved that the rules be suspended for the immediate consideration of House Joint Resolution No. 109, which motion prevailed.

On motion, the resolution was adopted.

A motion to reconsider was tabled.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Joint Resolution No. 109; and find same

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correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

Mr. Speaker McWherter relinquished the Chair to Mr. McKinney, Speaker pro tem.

CALENDAR

House Bill No. 95--To disqualify certain parents, estate of deceased child.

Mr. Murphy moved that House Bill No. 95 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 95 by deleting the words and figures "twenty-one (21) years" in the amendatory language of Section 1 and substituting instead the words and figures "eighteen (18) years".

On motion, the amendment was adopted.

Mr. Clark (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 95 by adding the following language at the end of the amendatory language of Section 1 designated as subsection (a):

For the purpose of this act, abandonment occurs when a parent willfully fails or refuses to have any contact with his child for a continuous period of one (1) year immediately preceding the child's death.

On motion, the amendment was adopted.

Thereupon, House Bill No. 95, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley,

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Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

House Bill No. 643--To make certain provisions, apprenticeship and training programs.

On motion, House Bill No. 643 was made to conform with Senate Bill No. 469.

On motion, Senate Bill No. 469, on same subject, was substituted for House Bill No. 643.

Mr. Ellis moved that Senate Bill No. 469 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

House Bill No. 695--To make certain provisions, registration of architects and engineers.

On motion, House Bill No. 695 was made to conform with Senate Bill No. 781.

On motion, Senate Bill No. 781, on same subject, was substituted for House Bill No. 695.

Mr. Bewley moved that Senate Bill No. 781 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

House Bill No. 768--To permit buying and sellings of deer hides.

Mr. Johnson moved that House Bill No. 768 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	90
Noes	0
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--90.

Representative present and not voting was: Owen--1.

A motion to reconsider was tabled.

House Bill No. 267--To prohibit duplication of certain manufactured parts.

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On motion, House Bill No. 267 was made to conform with Senate Bill No. 67.

On motion, Senate Bill No. 67, on same subject, was substituted for House Bill No. 267.

Mr. Scruggs moved that Senate Bill No. 67 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--93.

A motion to reconsider was tabled.

The Speaker announced that House Bill No. 528 be placed on the Calendar for Wednesday, March 23, 1983.

House Bill No. 244--To amend Water Quality Control Act.

On motion, House Bill No. 244 was made to conform with Senate Bill No. 233.

On motion, Senate Bill No. 233, on same subject, was substituted for House Bill No. 244.

Mr. Bivens moved that Senate Bill No. 233 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	66
Noes	17
Present and not voting	10

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Buck, Byrd, Clark (Davidson), Clark (Sumner), Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, Dills, Disspayne, Ellis, Ford, Frensley, Gafford, Gaia, Harrill, Hassell, Hillis, Hudson, Huskey, Jared, Johnson, Jones, Kelley, Kernell, King (Shelby), King (Washington), Kisber, Love,

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McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pruitt, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Sir, Smith, Starnes, Turner, Wallace, Webb, Wheeler, Whitson, Williams and Work--66.

Representatives voting no were: Chiles, Copeland, Davidson, Drew, Duer, Elsea, Henry, Herndon, Hurley, Kent, McAfee, Robertson, Scruggs, Stafford, Stallings, Wolfe and Wood--17.

Representatives present and not voting were: Bragg, DePriest, Dixon, Gill, Pickering, Rhinehart, Tanner, Ussery, Wix and Yelton --10.

A motion to reconsider was tabled.

House Bill No. 260--To establish grievance procedure, state employees.

On motion, House Bill No. 260 was made to conform with Senate Bill No. 326.

On motion, Senate Bill No. 326, on same subject, was substituted for House Bill No. 260.

Mr. Hillis moved that Senate Bill No. 326 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 326 by deleting the words and figures "thirty (30) calendar days" from the amendatory language of Section 1, and by substituting instead the words and figures "fifteen (15) working days".

On motion, the amendment was adopted.

Mr. Hillis moved to amend as follows:

AMENDMENT NO. 2

Amend Senate Bill No. 326 by deleting Section 1 in its entirety and replacing it with the following new Section:

"SECTION 1. Tennessee Code Annotated, Section 8-30-328 (a) is amended by adding the following sentence at the end:

Any employee may file a grievance or complaint within fifteen (15) work days after its cause."

On motion, the amendment was adopted.

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Mr. Hillis moved to amend as follows:

AMENDMENT NO. 3

Amend Senate Bill No. 326 by changing Section 3 to Section 5 and by adding the following new language as Section 4 and 5:

SECTION 4. Tennessee Code Annotated, Section 8-30-328 is amended by adding the following language as a new subsection:

If the commission finds in favor of an employee seeking review of his or her grievance, it shall order that the employee be reinstated and may, in its discretion, direct that this reinstatement be without loss of back pay.

SECTION 5. Tennessee Code Annotated, Section 8-30-328 is further amended by adding the following language as a new subsection:

The commission may in its discretion, award attorney's fees and costs to a successfully appealing employee in accordance with a schedule of allowable fees promulgated by the commission within one hundred twenty (120) days of July 1, 1983. If the commission finds in favor of an employee relative to a geographic transfer, the commission may direct that the employee be reimbursed for expenses incurred and documented in any involuntary transfer. Such reimbursement shall be in accordance with the state comprehensive travel regulations. Any awards for attorney's fees, costs of appeal or expenses relating to an involuntary transfer shall be paid by the appointing authority that took the adverse personnel action against the appealing employee.

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 326, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith,

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Stafford, Stallings, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

House Bill No. 483--To allocate funds for tourist promotion.

Mr. Huskey moved that House Bill No. 483 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Nafteh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

House Bill No. 50--To provide for reinstatement, certain sick leave.

On motion, House Bill No. 50 was made to conform with Senate Bill No. 140.

On motion, Senate Bill No. 140, on the same subject, was substituted for House Bill No. 50.

Mr. Smith moved that Senate Bill No. 140 be passed on third and final consideration.

Mr. Smith moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 140 by the deletion in its entirety of Section 3 and by renumbering the remaining Section 4 as Section 3.

On motion, the amendment was adopted.

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Thereupon, Senate Bill No. 140, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

A motion to reconsider was tabled.

House Bill No. 540--To provide for jurors, certain circumstances.

Mr. Yelton moved that House Bill No. 540 be passed on third and final consideration.

Mr. Yelton moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 540 by deleting from the first sentence of the amendatory language of Section 2 the word "with"

FURTHER AMEND by deleting from the second sentence of the amendatory language of Section 2 the word "panel" and by substituting instead the word "panels".

FURTHER AMEND by deleting from the first sentence of the amendatory language of Section 3 the words "the clerk of the circuit or criminal court" and by substituting instead the words "the sheriff".

On motion, the amendment was adopted.

Thereupon, House Bill No. 540, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark

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(Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

A motion to reconsider was tabled.

House Bill No. 737--To regulate bank mergers.

Mr. Wheeler moved that House Bill No. 737 be passed on third and final consideration.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 737 by deleting from the amendatory language of Sections 1(a) and 2, the following sentence:

"The requirement that both banks be in operation for five years shall not apply (i) if both merging banks have their principal offices in the same county or (ii) if both merging banks have their principal offices in any of the counties referred to in Section 45-2-1403 (a) (1)."

and substituting in lieu thereof the following sentence:

"The requirement that both banks be in operation for five years shall not apply if both merging banks have their principal offices in the same county."

AND FURTHER AMEND by deleting the amendatory language of Section 6 and substituting in lieu thereof the following:

(11) The stock of any other bank located in the State of Tennessee, provided that the investment in the stock of all such banks shall not exceed 10% of the capital, surplus and undivided profits of the investing bank and provided that if the stock is voting stock, the investment shall not exceed 5% of the total of such voting stock. Such an investment shall be made only upon thirty (30) days prior written notice to the Commissioner of Banking, and any such investment which is consummated without giving such notice shall be void. The Commissioner will have the right to disapprove such investment if he finds that such investment does not conform with the standards set forth in

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Sections 45-1-102 and 45-1-107 hereof, and gives written notice detailing his reasons for such disapproval on or before the end of such thirty (30) day period. If the Commissioner disapproves the transaction, the bank shall have a right to a hearing before the Commissioner under the Uniform Administrative Procedures Act, T.C.A. 4-5-101, et seq. This investment shall be in addition to the right of any bank to invest in the stock of a banker's bank otherwise permitted under this Section 45-2-607.

On motion, the amendment was adopted.

Thereupon, House Bill no. 737, as amended, passed its third and final consideration by the following vote:

Ayes	88
Noes	6
Present and not voting	1

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shockley, Sir, Smith, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--88.

Representatives voting no were: Buck, Crain, Hillis, Moore (Shelby), Pruitt and Stafford--6.

Representative present and not voting was: Shirley--1.

A motion to reconsider was tabled.

STATEMENT ON HOUSE BILL NO. 737

Mr. Speaker, Ladies and Gentlemen of the House:

Last year, many of you may recall, I spoke against this legislation because of the dangers it presents to our economic system--that being concentrating too much economic power in too few hands and local economies losing control over their local money.

I mentioned last year that Estes Kefauver would turn over in his grave because he was steeped in the strong Tennessee tradition of being opposed to the concentration of economic power.

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However, the condition of our state's economy is such that this amended version demands passage.

Still, it is part of a trend which I see to be caused by policies of the Federal Reserve System.

If this trend continues and if the Federal Reserve Board continues with policies which encourage this trend, we may see Citi-Bank of New York owning a large Tennessee bank.

This would remove local control over our local economies and place it in the hands of someone in New York. That would be a sad day.

So, Mr. Speaker in an effort to be of help to our state's economy-I'm voting for this bill this year. But, I hope sometimes we realize where the problem is coming from and consider with the cooperation of the banks in Tennessee, and the citizens of Tennessee, that we make recommendations to Congress so that this dangerous trend will not continue and that banks owned locally will survive.

Martin Sir

Mr. Rhinehart moved that House Bill No. 645 be placed on the Calendar for Wednesday, March 30, 1983, which motion prevailed.

Mr. Naifeh moved that Senate Joint Resolution No. 48 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 13--To make certain provisions, absentee ballots.

On motion, House Bill No. 13 was made to conform with Senate Bill No. 71.

On motion, Senate Bill No. 71, on same subject, was substituted for House Bill No. 13.

Mr. Henry moved that Senate Bill No. 71 be passed on third and final consideration.

Mr. Henry moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 71 by inserting in the amendatory language of Section 1 between the words "shall" and "be" the words "upon a showing of reasonable proof to the registrar or his deputy"

FURTHER AMEND by deleting from the amendatory language of Section 1, subpart (a), as amended, in its entirety and by substituting instead the following:

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(a) Due to the death of a spouse, parent or child of a voter which would result in the voter's absence from the state or county on election day; or

On motion, the amendment was adopted.

Mr. Henry moved that Senate Bill No. 71 be placed on the Calendar for Wednesday, March 23, 1983, which motion prevailed.

House Bill No. 210--To set fine, assault of police officer.

Mr. Kent moved that House Bill No. 210 be passed on third and final consideration.

Mr. Murphy moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 210 by deleting from the third paragraph of the amendatory language of Section 1 the words and punctuation mark "pre-trial diversion,".

On motion, the amendment was adopted.

Mr. Shirley moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 210 by redesignating Sections 2 and 8 to be Sections 3 and 4, and by adding a new Section 2 as follows:

SECTION 2. Tennessee Code Annotated, Title 39, Chapter 2, Part 1, is amended by adding the following language as a new section:

SECTION ____. Any police officer who forcibly assaults any person while engaged in the performance of his official duties shall be fined not less than one thousand dollars (\$1,000) nor more than five thousand dollars (\$5,000) or imprisoned not less than one (1) year nor more than three (3) years, or both.

Whoever, in the commission of such act uses a deadly or dangerous weapon, shall be fined not less than two thousand dollars (\$2,000) nor more than ten thousand dollars (\$10,000) or imprisoned not less than two (2) years nor more than ten (10) years, or both.

No policeman convicted of the offense of assault of another shall be eligible for suspension of sentence and probation, pre-trial diversion, parole, or any other program or method whereby the offender's term of imprisonment may be

reduced prior to service day for day of the entire sentence imposed by the court.

Mr. Kent moved that the Amendment No. 2 be tabled, which motion prevailed by the following vote:

Ayes	67
Noes	14
Present and not voting	7

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Buck, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Dills, Disspayne, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Johnson, Kelley, Kent, Kernell, King (Washington), Kisber, McAfee, McNally, Miller, Montgomery, Moore (Shelby), Murphy, Murray, Naifeh, Napier, Percy, Pickering, Robertson, Robinson (Washington), Scruggs, Severance, Shockley, Smith, Stafford, Stallings, Tanner, Ussery, Wallace, Webb, Whitson, Williams, Wix, Wolfe, Wood and Yelton--67.

Representatives voting no were: Brewer, DeBerry, Dixon, Drew, Harrill, Jones, King (Shelby), Love, Nance, Owen, Pruitt, Robinson (Hamilton), Shirley and Sir--14.

Representatives present and not voting were: Burnett, Crain, DePriest, Jared, Moore (Sullivan), Rhinehart and Work--7.

Mr. Burnett moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 210 in the amendatory language of Section 1 by deleting the words "forcibly assaults" and substituting instead the word "kidnaps".

AND FURTHER AMEND in the amendatory language of Section 1 by deleting the word "assault" in the third paragraph thereof and substituting instead the word "kidnapping".

Mr. Burnett moved that House Bill No. 210 be placed on the Calendar for Thursday, March 24, 1983, which motion prevailed.

House Bill No. 539--To make certain provisions, constables.

Mr. Yelton moved that House Bill No. 539 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 539 by adding the following figures under

the appropriate columns as indicated in the amendatory language of Section 1:

Not Less Than

Nor More Than

"24,590
31,200

24,600
31,300"

Mr. Ford moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting the figures "31,200 31,300".

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Thereupon, Amendment No. 1, as amended, was adopted.

Mr. Wheeler moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 539 by adding the following figures underneath the figures

"140,000
67,300
34,800
11,700

150,000"
67,400
34,900
11,800

On motion, the amendment was adopted.

Mr. Robinson (Washington) moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 539 by adding the following figures underneath the existing figures in Section 1:

88,700

88,800

On motion, the amendment was adopted.

Thereupon, House Bill No. 539, as amended, passed its third and final consideration by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest,

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Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--94.

A motion to reconsider was tabled.

CONSENT CALENDAR

House Joint Resolution No. 53--Relative to study, compensation, Registrars-at-Large.

House Joint Resolution No. 102--Relative to honoring Coach Al Davis, Dyer County High School.

House Bill No. 1222--To provide for election of councilmen, Bolivar.

House Bill No. 1224--To impose litigation tax, Marshall County.

House Bill No. 1225--To amend Chapter 686, Private Acts, 1949.

House Bill No. 1226--To expand duties of Purchasing Agent, Madison County.

House Bill No. 721--To create judicial commissioners, certain counties.

Senate Joint Resolution No. 56--Relative to congratulating coach Craig Kisabeth.

Mr. Gill moved that all House Bills on the Consent Calendar be passed on third and final consideration, all House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King

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(Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work and Yelton--95.

A motion to reconsider was tabled.

NOTICES PURSUANT TO RULE NO. 57

Pursuant to Rule No. 57, sponsors gave notice of their intentions to consider the following measures from the Senate on Wednesday, March 23, 1983:

House Bill No. 264--Kent.

House Bill No. 333--Bewley.

Pursuant to Rule No. 57, the sponsor gave notice of his intention to consider the following measures from the Senate on Monday, March 28, 1983:

House Bill No. 206--Kelley.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Anderson, Atchley, Bell, Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Chiles, Clark (Davidson), Clark (Sumner), Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Dixon, Drew, Duer, Ellis, Elsea, Ford, Frensley, Gafford, Gaia, Gill, Harrill, Hassell, Henry, Herndon, Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kelley, Kent, Kernell, King (Shelby), King (Washington), Kisber, Love, McAfee, McKinney, McNally, Miller, Montgomery, Moore (Shelby), Moore (Sullivan), Murphy, Murray, Naifeh, Nance, Napier, Owen, Percy, Pickering, Pruitt, Rhinehart, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Sir, Smith, Stafford, Stallings, Starnes, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Williams, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter--96.

INTRODUCTION OF RESOLUTION

House Joint Resolution No. 108--Relative to congratulating Cocke County High School girls' basketball team--By Ford, Montgomery, Bewley, Robinson (Hamilton), Hurley, Shockley, Whitson and Severance.

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Under the rules, House Joint Resolution No. 108 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1232--To authorize litigation tax, Haywood County--By Crain.

Passed first consideration.

House Bill No. 1233--To expand membership, Higher Education Commission--By Owen.

Passed first consideration.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1228--To allow public officials to decline salaries, certain counties.

Passed second consideration and referred to Committee on State and Local Government.

House Bill No. 1229--To levy tax on lodgings, certain counties.

Passed second consideration and held without reference.

House Bill No. 1230--To create expense allowance for judge, Sequeatchie County.

Passed second consideration and held without reference.

House Bill No. 1231--To provide for general sessions court, Madison County.

Passed second consideration and held without reference.

SENATE BILLS ON FIRST CONSIDERATION

Senate Bill No. 99--To regulate certain service fees, sheriffs.

Passed first consideration.

Senate Bill No. 117--To amend Uniform Commercial Code.

Passed first consideration.

Senate Bill No. 217--To regulate certain actions, landlords.

Passed first consideration.

Senate Bill No. 285--To regulate repair, sidewalks, certain counties.

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Passed first consideration.

Senate Bill No. 287--To regulate loan guarantees, Tennessee Student Assistance Corporation.

Passed first consideration.

Senate Bill No. 308--To extend duration, certain written contracts.

Passed first consideration.

Senate Bill No. 350--To remove fee, certain delinquency notice.

Passed first consideration.

Senate Bill No. 533--To regulate mortgage transfer tax.

Passed first consideration.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, March 23, 1983: House Bills Nos. 237, 194, 393, 619, 508, 221, 666, 59, 913, 912, 724, 489, 778, 268, 692, 805, 246, 585, 652 and 1122.

GILL, Chairman.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 210--McNally.

House Bill No. 1025--Miller, Murphy (co-prime).

House Bill No. 1033--Johnson (co-prime).

SPONSOR REMOVED

On motion of Mr. Whitson, his name was removed as sponsor of House Bill No. 1029.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint

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Resolutions Nos:

18--Relative to naming the "Conley R. Huskey Bridge";

92--Relative to honoring Cheryl Evans;

93--Relative to memory, Judge C. S. Carney;

100--Relative to commending Gloria Ray;

109--Relative to joint convention, election of state election commission; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.:

389--To amend Sections 30-114 and 18-6-106, Code;

610--To levy tax on lodgings, Murfreesboro;

745--To revise tax rate, Bruceton-Hollow Rock Special School District;

1219--To levy wheel tax, Jefferson County;

1220--To provide for judicial officers, Tullahoma; all substituted for Senate Bills on same subject and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.:

183--To amend Title 35, Chapter 3, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, Senate Bill No.:

374--To regulate granting professional land surveyors, certain circumstances.

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The Senate nonconcurred in House Amendment No. 1.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

LOCAL BILLS REFERRED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 820, 1214, 1215, 1229, 1230 and 1231.

REPORT OF COMMITTEE ON CALENDAR AND RULES

CONSENT CALENDAR

MR. SPEAKER: The officers of your Committee on Calendar and Rules beg leave to report that we have met and set the following bills on the Consent Calendar for Wednesday, March 23, 1983: House Joint Resolution No. 108; House Bills Nos. 1229, 1230, 1231, 1215, 1214 and 820.

GILL, Chairman.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 95, 483, 539, 540, 721, 737, 768, 1222, 1224, 1225 and 1226; and House Joint Resolutions Nos. 53 and 102; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolutions Nos.:

- 48--Relative to recreational use, Ocoee River;
- 49--Relative to congratulating Patricia Walker Shaw;
- 50--Relative to gasoline tax, mass transit systems;
- 54--Relative to appreciation, William B. Sansom;
- 55--Relative to congratulating Nashville Network, premiere;
- 59--Relative to congratulating Farragut High School;

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60--Relative to commending Hubert L. McCullough, Jr.;

61--Relative to honoring Mrs. Penny Pebley; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.:

177--To regulate jurisdiction, General Sessions Courts;

193--To regulate investments, domestic life insurance companies;

245--To make appropriation, certain charges, interest bearing accounts;

260--To regulate jurisdiction, Court of General Sessions;

293--To regulate offense, aggravated rape;

313--To regulate certain deposition, chiropractors;

453--To regulate interest, delinquent taxes;

640--To provide identification devices, off-highway motor vehicles; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

On motion of Mr. Naifeh, the House adjourned until 2:00 p.m., Wednesday, March 23, 1983.